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## NOTES.

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### I. MUNICIPAL GOVERNMENT.

**Personal Registration of Voters in Pennsylvania.**—At the 1897 session of the Pennsylvania Legislature an amendment was introduced to make possible the introduction of personal registration in Pennsylvania. This amendment, which had been prepared for the Municipal League of Philadelphia, was introduced by Mr. Clinton Rogers Woodruff, a member of the legislature at that session. The Constitution of Pennsylvania, Article 8, Section 7, reads: "All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the state, but no elector shall be deprived of the privilege of voting by reason of his name not being registered." This last clause has rendered ineffective all attempts at personal registration as has been pointed out in a recent article in the *ANNALS*.<sup>1</sup> Gross registration frauds have not only been made possible, but actually carried into effect by reason of the laxity of the present laws.

The proposed amendment was defeated at the session of 1897, but was reintroduced in 1899 and passed, it being practically the only reform measure which was passed at that session. The amendment, however, was vetoed by the Governor of Pennsylvania. The Municipal League of Philadelphia through its counsel, Mr. Woodruff, assisted by Messrs George W. Guthrie of Pittsburgh, W. F. Darby of Harrisburg and Henry Budd and David Wallerstein of Philadelphia, instituted proceedings to test the right of the Governor to take such action. The lower court decided against the League's contention, but the Supreme Court, the highest appellate authority in the state, unanimously sustained the League's contention that the Executive had no right to veto a proposed amendment to the constitution.

The amendment was resubmitted, as required by the constitution, to the legislature of 1901 and under the leadership of the Union Committee for the Promotion of Ballot Reform and the Merit System in Pennsylvania, was passed by both branches of the legislature.

The amendment now comes before the people of Pennsylvania at the election on November 5, 1901, for adoption. An active campaign has been instituted in its behalf throughout the state. It is receiving general support from all parties, leading Republicans and Democrats, as well as Municipal Leaguers endorsing it. In the event of the

<sup>1</sup> See *ANNALS*, Vol. xvii, p. 181.

people approving the amendment, it will be possible for the next legislature to adopt a system of personal registration, similar to those now in force in New York and Massachusetts. At the same election an amendment making possible the use of voting machines will be submitted to the voters. The Registration Amendment also gives the legislature power to classify the state into city and county districts.

**Providence Street Railway Franchise and Transfers.<sup>1</sup>**—The local street railway company has not given transfer tickets during the nine years that its twenty-year franchise has already run, although much popular pressure has been brought to bear upon it. Intentionally or unintentionally no provision for transfer tickets was placed in the franchise grant, and now the city is quite at the mercy of the company in the matter.

The railway company has announced itself as unalterably opposed "to transfer tickets, because conductors are dishonest, and the public would take advantage and get two rides for one fare."

The company maintains furthermore, that, by reason of the peculiar construction of its lines (nearly all of them passing through a central point in the city something like the opposite spokes of a wheel), it practically furnishes the accommodation given in other cities by transfers. The people, however, have been unable to see it in that way, and have continued to want transfers. At last the company has offered transfers if permitted to give them in its own way. Its plan is to build several transfer stations at the most convenient places, on the public streets or squares, and to have (some or all) cars pass through these stations. Those wishing to transfer must ride into these stations and wait until the desired car comes in also. The plan does not impress the public at all favorably. The prospect of being penned up in the stations is not pleasing. The people are told that it works well in a town in Tennessee, but they know that in all the cities they ever had any experience of, simple tickets are given and the holder looks out for himself. The attempt was made at the last meeting of the council before the summer adjournment, to "jam" the proposal through. The committee having it in charge reported favorably—it was too bad to lose two or three months by stopping for mere discussion. The leading paper argued plausibly in the same line. But the majority of the council heard from their constituents and the matter was postponed.

Such is the situation in regard to the transfer question. The city is powerless. It can only accept or refuse such offers as the railway company sees fit to make. It cannot admit to its streets any other company which would give transfers—the present franchise is exclusive.

<sup>1</sup> Contributed by Dr. Sidney A. Sherman, Brown University.

It cannot raise the rate of special taxation upon the company—that is settled by the state legislature. It cannot refuse the right of extension, etc., in new streets—that would deprive the people in new districts of the means of transportation. It cannot itself enter the field with a municipal railway system on its own streets—that would break the “exclusive” contract again, and besides it would savor too much of socialism, which must never be. There is no loophole of escape.

**Duluth.**—*Telephone System.*<sup>1</sup> The first telephone company in Duluth, known as the “Duluth,” or the “Old” Company, was either in its inception or soon thereafter became the creature of the so-called Bell Telephone “Monopoly.” Its charges were felt to be extortionate, and its demeanor to patrons, as to the public, was overbearing. A new company was organized and received a twenty-five year franchise March 11, 1899. Prior to the granting of this franchise, competitive bids had been publicly called for by the city, but the “Old” company contemptuously ignored the opportunity.

The franchise of the old company has expired; but under a rather forced judicial construction of a state statute of 1881, extending to telephone companies the privilege, theretofore (in 1866) granted to telegraph companies, to build their lines over roads and highways, the old company still operates its system in defiance. It has lost many of its old patrons; but its better long distance connections have helped to keep it alive, despite its bad odor in the community at large, and it is popularly credited with leaving no stone unturned to thwart its rival or to ultimately absorb it.

The franchise of the new company was not however obtained without a struggle. The old company, whose local end comprised, directly and indirectly, many of Duluth’s influential business men, made every possible effort to defeat the attempt to install this dangerous competitor. The press, in the main, was non-committal. The people, however, were thoroughly aroused against the old company, and their loyal representatives in the administrative and legislative departments of the city were in sufficient force to protect the people’s interests, and the new company received its charter.

Among these conditions and restrictions may be enumerated the following:

- (a) Installation and maintenance of an improved and modern system, known as the “long distance copper wire metallic system.”
- (b) Reduction of rates from \$50-\$60 per year, payable yearly in advance, the old company’s then going charges, to “\$20 per year, for residence telephones, and for telephones in business houses or offices \$35 for the first year and \$30 thereafter (as the maximum

<sup>1</sup> Contributed by W. G. Joerns, Duluth, Minn.

charge), all payable quarterly in advance," with "but one telephone on a line." (c) Gross earnings tax, to the city, of one-half cent, payable semi-annually, in addition to its general taxation under state law. (d) Free telephones, fifteen in number, to the city in its public offices, fire halls and public schools; use of poles and conduits for the city fire alarm and telegraph system; and public telephones, with regulated charge in the suburbs. (e) Superior connection, without extra charge. The city of Superior has also installed a new system, which has largely supplanted the old or "Bell" system at that point. (f) Supervision of construction, semi-annual audit, and original sworn statement of expenditure and annual sworn statements thereafter to the city authorities. (g) Safeguards against sale or transfer of plant or franchise or purchase of competing plants. (h) Right of purchase in city, at any time after five years, at a valuation, to be fixed by arbitration if not agreed upon, but "not to exceed the cost of duplication" plus ten per cent.

The total alleged investment of the new company, as returned on March 1 of this year, was approximately \$185,000. The number of pay telephones in use at that time was returned as 1,470, which is about double the number in use by the old company at the time the franchise was granted to the new.

The service of the new company has, in the main, been quite satisfactory and has been a substantial improvement upon the service of the old company, both before and since the entry of the new, though the old company has likewise been stimulated into better service by the competition of the new and is making all manner of concession in rates to oust its dangerous and more successful rival.

*Docks.*—The major part of Duluth's dock property is owned or controlled by the great transportation companies or larger commercial interests and practically all of it is private property. The city has, however, built and now maintains public docks for passengers and light freight at the foot of several streets which lead to the water's edge. These city docks are absolutely free to all.

**Minnesota.**—*State Primary Election Law.*<sup>1</sup> In 1899 the Minnesota Legislature enacted a primary election law whose salient features have been described in these pages.<sup>2</sup> At the time of its passage and again at its first trial this law excited much comment, owing to its unusual character. It was, in brief, an experiment in the largest county of the state, Hennepin, with a system whereby party nominations should be made directly by the voters, instead of through the medium of party conventions. As a direct result of the first trial of

<sup>1</sup>Contributed by Frank Maloy Anderson, of the University of Minnesota.

<sup>2</sup>ANNALS, November, 1900, p. 146.

the law the legislature of this year has revised it in a few particulars and extended its application to the entire state. In its present form it is believed to be the most thoroughgoing attempt yet made upon a large scale to eliminate the party caucus from American political machinery; in view of this circumstance its first trial, occurring in November, 1902, will doubtless be watched with much interest.

In general, the revised law may be described as the Australian ballot system utilized for primary election purposes. The first registration day, seven weeks prior to the general election, is also the day of the primary election. After registering for the general election the voter may obtain from the judges a ballot of the party to which he declares that he belongs. If his party membership is questioned the voter must take oath that *in general* he supported that party at the last election and proposes to do the same at the approaching election. The ballot furnished to the voter contains the names of all persons who have duly announced themselves as candidates for nomination by filing their names with the appropriate county or state officials, paying their fees, and making affidavit that they belong to the party whose nomination they seek. Nearly all of the elective officers are included in this arrangement; the only exceptions are the state officials and members of park, school and library boards in towns of less than fifty thousand inhabitants. All nominations are made by plurality of the votes actually cast.

In several particulars this law is believed to be an improvement upon the original law of 1899. One of the most important changes is the elimination of the requirement that candidates for nomination must procure a petition signed by 10 per cent of the party voters in order to secure the enrollment of their names upon the ballot. Experience in the Hennepin County trial demonstrated that any candidate could obtain the requisite number of signatures, the circulation of petitions being thus found merely a waste of time and money. Another still more important change is that whereby the voter is given only one party ballot. By the original law the ballots of all parties were handed to the voter; he was expected to use that of the party to which he belonged, returning the unused ballots to the judges, who deposited all of the ballots in the box, thus insuring secrecy as to the voter's party affiliation. The possibility that some of the voters of one party would take part in the selection of candidates of another party was recognized; but it was believed that few would actually do so, since they would be compelled to forego the privilege of assisting in the nomination of their own party candidates. The trial in Hennepin County seemed to show, however, that many members of the minority party did participate in the selection of the candidates of the

majority party; in one instance it seemed probable that such votes determined the choice made. It is not expected that the new system will materially remedy this evil, although there is an opportunity afforded for challenges; the idea of the change is that the evil mentioned is a necessary one and that the new arrangement simplifies the process of counting.

While the law was under discussion its advocates made a determined effort to have it include all elective officers, especially the state officials, and only yielded the point to save the measure. The chief arguments used against their inclusion were that the law is an experiment yet and that state conventions will still be necessary for the framing of party platforms. As far as can be ascertained from the discussions in the legislature and the newspapers of the state, the demand for the enactment of the law was surprisingly general; so much so that there was no bitter opposition, similar to that which resulted in the defeat of a much less sweeping measure in Wisconsin.

**Colorado.**—*Woman's Suffrage and Municipal Politics.*<sup>1</sup> As early as the year 1868 an effort was made to have the question of woman suffrage considered in the Territorial Legislature of Colorado. In the year 1870 Governor McCook recommended the extension of the franchise to women and in that year a bill was brought forward in the legislature providing that the question be submitted to the people at the next election. The bill was defeated.

In the year 1876 a vigorous effort was made to have the right of women to vote recognized in the State Constitution. This was not done, but Section 2, Article 7, provided as follows: "The General Assembly may at any time extend by law the right of suffrage to persons not herein enumerated, but no such law shall take effect or be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast for or against such law." Accordingly, in 1877, the question was submitted to a vote of the electors, who decided against woman suffrage by a vote of 20,000 to 10,000. Again in 1881 a bill in behalf of woman suffrage was lost in the legislature.

In the year 1890 the agitation was renewed under the auspices of the Colorado Equal Suffrage Association and in the year 1893 the General Assembly passed a bill similar to that of 1877, the majority in both houses being composed largely of Populists. At the election the people decided in favor of woman suffrage by a vote of 35,698 to 29,461.

After this notable victory many women devoted themselves to the study of civil government and allied subjects in preparation for their

<sup>1</sup> Contributed by Prof. J. E. Le Rossignol, University of Denver.

first exercise of the right of suffrage. The campaign of 1894 had to do with the life or death of Populism and as a rule women joined the existing parties for the purpose of deciding this momentous issue. Numerous political clubs of women were formed which took an active part in the campaign. Women attended political meetings of all kinds and finally appeared at the polls in large numbers, aiding their male fellow-citizens in deciding the fate of Populism. Similarly, in the national election of 1896 the question of free silver was the paramount issue and men and women alike took sides according to their economic convictions. No other question could have compelled the women to work in harmony with the existing party organizations, for after the campaign of 1894 many of the leading women of all parties showed a disposition to break away from party control. They had obtained an insight into political methods, had been disappointed and even deceived, and they thought that they could improve the condition of politics by operating along independent lines, especially in regard to municipal affairs. Hence the break-down of the women's political clubs and the formation of non-partisan associations, notably the Civic Federation, established in the year 1895 by a number of leading women of different political creeds.

In the municipal campaign of 1895 the Civic Federation was content to secure the nomination of some candidates and to recommend these and others by means of an endorsed list prepared for the instruction of voters. In the municipal election of 1897 the Civic Federation, in alliance with the Taxpayers' party, nominated a separate ticket, composed of candidates from the Republican, Democratic and Populist parties. The entire ticket was elected and the administration of the ensuing two years was one of the best that Denver has ever had.

Since the election of 1897 the Civic Federation has taken less part in active politics and in the recent municipal election it took no part at all. The work of the Federation has fallen on the shoulders of the leading members who find that it demands a great amount of time and energy, that it is wholly unremunerative from a financial point of view and that it is not properly appreciated by the public at large nor even by any considerable fraction of women voters themselves. They have, therefore, become somewhat discouraged and have latterly confined their attention to the advocacy of the reforms in which they are interested by other than the usual political methods. For a time, after their first enthusiasm was over, women largely ceased to attend primaries and conventions, while still performing their duty as voters, but more recently there has been a revival of activity, especially in connection with the regular parties. The Bryan Woman's Democratic Club of Colorado has a membership of about 10,000, and the

Woman's Republican League of Colorado is very large and influential, with headquarters in Denver and auxiliary leagues in every part of the state.

It is difficult to give an estimate of the value of woman suffrage to Colorado, because of the diversity of opinion on the subject and because it is not yet possible to prove either the success or failure of the system from the point of view of social expediency. At the first election it is claimed that over fifty per cent of the total vote was cast by women and at the present time the women's vote probably amounts to at least forty per cent of the total vote. There is no distinct or independent women's vote. It is stated on good authority that at the last election at least ten per cent of married women cast ballots different from those cast by their husbands. Women have not been harmed but rather benefited by the franchise and in many cases they take an intelligent and earnest interest in political questions.

The character of the leading women politicians is high. At first many of the leading society and club women of Colorado took an active part in political work. Then many of them withdrew from political life and some women of undesirable manners took their place. Latterly these undesirable persons have been pushed out of the party organizations and at the present time the women's organizations are led by representative women of high character and ability. It is stated by a well-known politician that committee women are more reliable than men, taking greater pride in their work and securing better results.

Women are not clamorous for office and it is often difficult to induce them to become candidates. Since 1894 ten women have sat as representatives in the legislative assembly. In the same time there have been three state superintendents of education, all women, the present incumbent now serving for a second term. Women have served acceptably as members of various state boards, notably the Board of Charities and Corrections and the governing boards of the State Home for Dependent and Neglected Children and the State Home and Industrial School for Girls. Women have exerted a civilizing influence upon the character of political meetings. They have, at times, exerted an influence toward securing the nomination of respectable candidates and the presence of women in political conventions tends toward improvement in this respect.

A considerable proportion of women is as yet somewhat independent of party control, forming an unknown quantity which disturbs the calculations of party managers. This unknown quantity, called by some independence, by others fickleness, may be regarded as

counting against rather than for political trickery and corrupt practices.

Since the introduction of woman suffrage some reforms have been accomplished wholly or in part through the influence of women. Among these may be mentioned the law securing co-equal guardianship of children, the law raising the age of consent to eighteen years, the curfew law, the law providing for indeterminate sentence, the law removing the emblems from the ballot, the establishment of the Home for Dependent Children and the Industrial School for Girls. The Civic Federation and other women's organizations have also favored other reforms not yet secured.

People who expected that society would be utterly and immediately regenerated through the influence of woman suffrage have been grievously disappointed and many of them, both men and women, consider the experiment a total failure and would be glad to see the old system restored. Woman suffrage has not purified politics to any great extent. Corrupt practices are as common in Colorado as in any other state and it is a question whether there is less political corruption at the present time than there was before 1894. While saloons have been abolished in many small towns and country districts, largely through the influence of women, in the city of Denver and in other large towns the saloon flourishes under the protection of favoring laws and in open defiance of such restrictions as are by law established. The political character of the Fire and Police Board is held to be responsible for this condition of affairs in the city of Denver and it must be said that the Civic Federation and other women's organizations have tried to secure home rule for Denver, without success. The social evil has not been abated through the influence of woman suffrage and in general it may be said that no marked social or political transformation has yet been accomplished by this means.

For all that, it is safe to say that woman suffrage has done no harm while it has done some good and that it has been adopted by Colorado "for better, for worse."

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**Wyoming.**<sup>1</sup>—*Woman's Suffrage and Municipal Politics.* July 25, 1868, President Johnson approved a bill erecting the territory of Wyoming. This law extended suffrage to men only. The new government was inaugurated the following year. John A. Campbell, the governor, was a Republican, and William H. Bright, the president of the upper house of the legislature, was a Democrat. Mrs. Ester Morris, of Cheyenne, at once interested these two men in woman's suffrage, and before the year 1869 had closed Wyoming had extended to women the privilege of voting. The act had no political significance. The next year an effort was made to repeal the law, but the governor vetoed the bill, and the enemies of woman's suffrage failed to secure the vote necessary to pass the bill over the governor's veto. The law remained in force as long as Wyoming was a territory.

When, in 1889, the constitutional convention met, the opposition to universal suffrage had almost disappeared. A few persons asked that the question of woman's suffrage be submitted as a separate article, to be voted on apart from the constitution, hoping to defeat the measure in this manner. While their petition was denied by the convention the members asserted the belief that the measure would receive a large majority of the votes if it should be thus submitted. Suffrage, without regard to sex, is now guaranteed by Wyoming's constitution to all citizens of the United States, who can read the constitution and who have resided the required length of time in any county of Wyoming.

Men and women alike justify the extension of suffrage on democratic grounds only, and the many arguments offered for and against woman's suffrage in the eastern states fail under an actual test. That I might give a perfectly fair statement of the workings of woman's suffrage I have interviewed men and women in every county of the state but one. The following opinions were expressed by them:

Women vote, but it is necessary to send carriages for them and to use all the influence at the command of the political committees to get the women to the polls. Since voters are required to register in the cities and larger villages, the expense of carriage hire is quite

<sup>1</sup> Contributed by Prof. H. H. Roberts, University of Wyoming.

an item, but an absolutely necessary one. Yet there are women who refuse to ride in these carriages, and in two of the cities leagues were formed in which the members pledged themselves to walk to the polls.

Members of the "central committees" declare that at least 90 per cent of the voters register. There is considerable difference of opinion as to the relative number of the men and women who do not register, yet the majority hold that there is no difference in the number.

The following statements of five precincts of Laramie will give a good idea of the conditions existing in the state:

Number of men registered . . . . .	904
" " women registered . . . . .	617
" " men who voted . . . . .	844
" " women "	570

Thus ninety-three per cent of men registering voted, while ninety-two per cent of women registering voted.

In the country precincts there is a proportionately greater number of women who do not vote. Distance from the polls, small children in the family and illness are the most frequent excuses given. About one-third of the women declare themselves opposed to woman's exercising the right of suffrage, yet they go to the polls and vote. Many prominent women have said that the working of woman's suffrage is disappointing to women.

In answer to this question, "Is there a law in the statute books of Wyoming placed there through woman's influence?" Several hundred women have answered frankly that "there is not one." A few women gave the women credit for two laws, the "law of distribution of property of a deceased person," and the "law of consent," while other women denied that the women had anything to do with the passing of these laws.

When asked why women have not forced temperance legislation the following reasons have been given by the women: "The women are too few." "We must consider the effect of our stand on our husband's business and political aspirations." "We lack leaders." A comparison of the relative number of men and women in the table given above shows that the number of women is at least 40 per cent of the number of men. A leading politician related the following: "Several years ago, at the city election in my city, there was a straight issue between the temperance and saloon forces, my party espoused the cause of temperance, the workers refused to have anything to do with the management of the campaign, hence very few women voted, and quite as many voted for the saloon candidates as for the friends of temperance." One of the most prominent women

of the state said: "Woman's suffrage does not affect the temperance question."

What good has woman's suffrage done for the state? It has purified politics, cleaner candidates are nominated and the elections are more orderly. Yet the same changes can be found in almost any community of the same size in the east. There are no large cities in this state to compare with the cities of the east. The women frequently complain that men are less courteous under the present condition—a charge that seems to have no foundation. Leading women have said: "The men do not want us at the primaries, but they want our vote." Hence few attend the primaries or convention. There are a very few women elected to office. Usually the county superintendent of schools is a woman, and there is at least one woman in the state who is serving as a member of a school board. The women are not seekers after office.

While the opinions expressed above are the conclusions of several hundred persons in all parts of the state, the following are my own conclusions after studying the question for three years:

No evil has resulted from woman's suffrage. The women of Wyoming are much more tolerant than their sisters of the east. Prejudice does not influence political actions to any great extent. They do things on business principles. While they usually vote with their party and their husbands,<sup>1</sup> they form an uncertain element in politics that is an excellent restraining influence on the action of party leaders. While the women do not serve on school boards they dominate the school meetings and practically control the schools of the state, the advantage of woman's suffrage being very evident here. Women are not unsexed, nor is family harmony disturbed. Whatever the cause may be, man as well as woman, has greater rights under the laws of Wyoming than under the laws of Ohio. Woman's influence has been general rather than specific.

*Nebraska.*<sup>2</sup>—*Municipal Legislation of 1901.* The last session of the legislature was not fruitful of important enactments. A contest for the election of two United States Senators (one to fill a vacancy) unusually prolonged and bitter, and terminating only upon the eve of adjournment, absorbed the major portion of the members' time and energy. This furnished an effective argument in favor of popular election of senators which even the legislature itself recognized by a memorial to Congress requesting that body to call a convention for the

<sup>1</sup> The secretary of the central committee in a town of 2,000 voters says that there are but six families where the politics of husband and wife differ.

<sup>2</sup> Contributed by Charles Sumner Lobingier of the Omaha bar, Professor of Law in the University of Nebraska.

purpose of so amending the Federal Constitution as to provide for popular election. In spite, however, of the distractions of canvassing and caucusing, the legislature found time to pass 122 acts and resolves and though hardly any of them were of first importance, many of them, such as those providing for an inheritance tax and for the relief of the Supreme Court by the appointment of commissioners, were greatly desired. In the domain of Municipal Legislation the new laws are of rather less general importance than in other departments. The charter of Lincoln was changed considerably and many new features added, among the most important of which was the creation of the office of tax commissioner. The validity of this charter was early attacked in the courts but the Supreme Court has filed an opinion sustaining it, though at the present writing a motion for a rehearing is still pending. Amendments were also made to the charters of smaller cities—those from 25,000 to 40,000 and from 5,000 to 25,000, but these are largely of local interest. The Nebraska constitution prohibits the legislature from passing laws applicable in terms to a single municipality but this is evaded by passing charters which, though in terms general, are so framed as to apply only to particular cities. In this way we have the "Lincoln Charter" the "Omaha Charter," etc., though each of these purports to govern all cities of a certain population. No change was made at the recent session in the charter applying to Omaha, though several measures for that purpose were pending, notably bills for increasing the salaries of certain city officials. An act was passed, however (which as it applies to cities over 50,000 affects only Omaha), providing for the appointment of a board for the examination and licensing of plumbers and the inspection of their work, with power to enact certain rules intended to secure sanitary plumbing. This board has already been appointed and has begun its work. An act was also passed authorizing all cities of the first and second classes (*i. e.*, those under 100,000) to establish and maintain plants for supplying "heat or light" to the inhabitants at rates to be fixed by the city council and to levy a tax not exceeding two mills on the assessed valuation of the city for that purpose. The act providing for a Public Library Commission, to encourage and assist in the formation of new libraries, is expected to aid in the development of municipal libraries in the smaller cities and towns.